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August 12, 2011

Via ECF

Hon. Esther Salas, U.S.D.J.
United States District Court for the District of New Jersey
M.L. King, Jr. Building & U.S. Courthouse
50 Walnut Street
Newark, NJ 07101

Re: BanxCorp v. Bankrate, Inc. et al, Civ. No. 07-3398 (ES - CLW)

Dear Judge Salas:

We write on behalf of Plaintiff BanxCorp regarding the second and third paragraphs in page two of Defendant Bankrate Inc.'s proposed order [Doc. No. 273], which appear to be lopsided. It was our understanding that both Bankrate and BanxCorp were directed to serve upon each other *reciprocal* discovery-related deficiency notices setting forth any alleged deficiencies. Instead, Bankrate is now attempting to "serve upon plaintiff any supplemental interrogatories and document requests it deems necessary," which would be tantamount to starting discovery anew.

We further note that, according to this Court's June 10, 2011 Order [Doc. No. 247] issued in response to a proposed order previously submitted by Bankrate on June 8, 2011 [Doc. No. 244], Bankrate had "the right to raise with this Court any alleged deficiencies in BanxCorp's document production *no later than June 22, 2011.*" As such, Bankrate effectively waived its right to raise any alleged deficiencies after the June 22 deadline.

We apologize for any inconvenience and thank the Court for its consideration.

Respectfully submitted,



Kristen Renzulli

cc: All Counsel of Record